

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JONATHON LARON FRIEND EL-BEY,     )  
  )  
          Plaintiff,                    )  
  )  
          v.                             )     1:18CV77  
  )  
OFFICER PATRICK A. DAVENPORT,     )  
et al.,                                 )  
  )  
          Defendants.                    )

**ORDER**

On February 8, 2018, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 3, 4.) Plaintiff timely filed objections (Doc. 5) to the Recommendation.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that Plaintiff's "Affidavit" (Doc. 2) is construed as a civil rights action pursuant to 42 U.S.C. § 1983, and that this action is hereby dismissed without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, correcting the defects set out in the Order and

Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 20th day of March, 2018.

  
United States District Judge